

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES H. GORBEY, JR., Administrator of the	:	
Estate of Marissa Rose Fishman, Deceased,	:	
	:	Civil Action No.: 05-211-KAJ
Plaintiff,	:	
vs.	:	
	:	
RICHARD LONGWILL, BARBARA	:	
LONGWILL, AIR BASE CARPET MART, INC.	:	
d/b/a Air Base Distributing, Inc. d/b/a Air Base	:	
Carpet Mart, AIR BASE DISTRIBUTING, INC.,	:	
ASHLAND CONSTRUCTION COMPANY, INC.,	:	
JOSEPH RIZZO & SONS CONSTRUCTION,	:	
VINCENT RIZZO CONSTRUCTION CO., INC.	:	
d/b/a Ashland Construction Co., Inc., JOSEPH V.	:	
RIZZO, and VINCENT RIZZO,	:	
	:	
Defendants.	:	

**PLAINTIFF'S RESPONSE IN OPPOSITION TO MOTION FOR PARTIAL SUMMARY
JUDGMENT AS TO CHOICE OF LAW AND DAMAGES OF DEFENDANTS,
ASHLAND CONSTRUCTION COMPANY, INC.,
VINCENT RIZZO CONSTRUCTION CO., INC., d/b/a ASHLAND CONSTRUCTION
CO., INC. JOSEPH V. RIZZO, AND VINCENT RIZZO**

Plaintiff James H. Gorbey, Jr., as Administrator of the Estate of Marissa Rose Fishman, deceased, respectfully requests that this Honorable Court deny the Motion for Summary Judgment of Defendants, Ashland Construction Company, Inc., Vincent Rizzo Construction Co., Inc., d/b/a Ashland Construction Co., Inc. Joseph V. Rizzo, and Vincent Rizzo.

Plaintiff's response in opposition to Defendants' Motion is set forth in the accompanying brief. An appropriate order denying Defendants' motion is attached, in addition to an alternative order allowing Plaintiff to amend the caption of the Complaint to add any appropriate beneficiary in accordance with the pleading requirements governing wrongful death actions under Delaware law.

Respectfully submitted,

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